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*Attorney for Defendant Clinton Chukwudi Uchendu*

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PRINCESS EZIYI and CLINTON  
CHUKWUDI UCHENDU,

Defendants.

**NOTICE OF INTENT TO USE EXPERT**

Case No.: 2:22-CR-00160

Judge Jill N. Parrish

Clinton Uchendu, through counsel and pursuant to DUCrimR 16-1(c) and Federal Rule of Criminal Procedure 16(b)(1)(C), submits the following expert disclosure:

**I. Qualifications**

Uzoma Eze is a legal, financial, and business professional with particular expertise in financial transactions involving the United States and Africa. Mr. Eze holds a B.S. in accounting from Norfolk State University (1998) and a J.D. from Fordham Law School (2006).<sup>1</sup> Mr. Eze is a licensed lawyer in New York and Texas, and a certified public accountant. Mr. Eze holds a certification in Fintech from the Wharton School.

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<sup>1</sup> A copy of Mr. Eze's resume is attached as Exhibit A.

Mr. Eze is the Founder of AideMoney, an application for sending money to Africa.<sup>2</sup>

Mr. Eze has direct knowledge of the international and diaspora market and practices related to sending funds to Africa. Mr. Eze has knowledge of fraud practices and schemes in the Nigerian diaspora market and the victims thereof.

The opinions set forth in this disclosure are based on Mr. Eze's education, training, and experience in the subject matter.

## **II. Statement of Opinions**

### **Opinion No. 1. There is a Legitimate Parallel Market for Sending Funds to Nigeria**

There are approximately 462,000 Nigerians living in the United States. These Nigerians send over \$24 Billion dollars back to Nigeria annually.<sup>3</sup> Nigeria has a closed currency that may not be exchanged outside of Nigeria.<sup>4</sup> In order to obtain dollars in an amount over \$10k from the Central Bank of Nigeria, (CBN), Nigerians must bid and apply in a lengthy process at the CBN. The process at the CBN can take 7 months. Dollar transactions are severely limited with the express intention of not allowing any dollars to leak out of Nigeria and the government brazenly maintained over 4 different exchange rates that enabled cronies to get dollars allocated to them at one of the low official rates, for example, N=440/\$1 and sell on the black market at N=700/\$1<sup>5</sup>. Nigerians are creative and used to the government being an obstacle, so they created a parallel

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<sup>2</sup> <https://aidemoney.com/send-money-to-nigeria/#:~:text=The%20safest%20way%20to%20send%20money%20to%20Nigeria&text=It%20starts%20with%20choosing%20AiDEMONY,every%20step%20of%20the%20way.>

<sup>3</sup> <https://imtconferences.com/nigerian-diaspora-remittances/>

<sup>4</sup> <https://www.leftovercurrency.com/exchange/nigerian-naira/#:~:text=The%20Nigerian%20Naira%20is%20a,do%20not%20exchange%20Nigerian%20Naira.>

<sup>5</sup> <https://www.cbn.gov.ng/rates/ExchRateByCurrency.asp>

foreign currency market worth over 10 billion dollars annually. The parallel market is based on the commerce between the Nigerian USA diaspora and Nigerians in Nigeria. Nigerians in the US diaspora stay very connected to Nigeria and build/buy homes, businesses and pay expenses for loved ones. Sending this money through official channels is onerous enough before taking into consideration the exorbitant costs and the fact that the money will be exchanged at the artificially set 440 Naira as opposed to the 730 Naira on the parallel market. Nigerians who want to send money would thus lose almost half of their purchasing power by using official channels.

In response to this obstacle, Nigerians have developed a parallel transfer market. There are a wide variety of transactions in this parallel market. For example, cars are often used as a means to send funds to Nigeria. Nigerians in Nigeria almost exclusively only buy American used cars<sup>6</sup>. Suppose a Nigerian wants to buy a 2018 Benz GLE and has the Naira equivalent of \$40,000. Suppose also there is a Nigerian living in America who wants to send \$40,000 to Nigeria to purchase land in his hometown. They meet informally and, once trust is somehow established and exchange rate agreed, swap currencies. The American funds an agreed dollar bank account in the US and the Nigerian funds the designated Naira Account in Nigeria. Thus, there is a legitimate parallel informal market for financial transfers to Nigeria. Ordinary law-abiding Nigerians regularly use this parallel informal market to buy goods and services and transfer funds to Nigeria. An ordinary law-abiding Nigerian living in the United States would have knowledge of and experience with this parallel market. It is consistent with a legitimate financial transfer for a

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<sup>6</sup> <https://www.premiumtimesng.com/news/more-news/424634-nigeria-third-highest-destination-of-used-cars-from-u-s-report.html>

Nigerian in the United States to send funds in this parallel market. In this case, the transfers involving Clinton Uchendu are consistent with legitimate transactions in this parallel market.

### **Opinion No. 2. Criminals in Nigeria Exploit this Parallel Market**

Yahoo Boys exploit this parallel market. Yahoo Boys use often third parties to assist in transferring funds. Often, the people involved in fraud also misrepresent the nature of the transactions so that third parties are not aware they are transferring funds obtained from improper means. As an example, suppose Lisa has just wired \$40,000 to her online lover at the US bank account he provided. The unwitting account holder was the Nigerian diaspora auto dealer who was helping her Nigeria buyer accumulate dollars for the Benz purchase. The Nigerian buyer had found a willing and “trusted” foreign exchange counterparty in the USA to take his Naira in exchange for paying dollars into the account of the auto dealer. Turns out the trusted counterparty was a Yahoo Boy and instead had Lisa pay in the \$40,000. Auto dealer, unaware that he has become a money laundering mule, confirms that he has indeed received the promised sum of \$40,000 as price of the automobile and the Nigerian buyer immediately credits the Nigerian Naira account of the “trusted” counterparty (yahoo Boy). \$40,000 is laundered into Nigeria as clean Naira and the Department of Justice is seizing bank accounts of the innocent Nigerian diaspora auto dealer and even indicting her. Meanwhile the criminals live the high life, Lisa remains out of pocket, and the case gets tied up in litigation with little or no chance that the monies scammed from Lisa would ever be recovered.

### **Opinion No. 3. Innocent Money Mules Use Their Own Names and Accounts**

Unlike those involved in fraud, unknowing persons (like the auto dealer) involved in money mule transactions use their own names and accounts. It would be an error to assume that every person involved in the chain of sending funds to Nigeria is part of the original fraud. It is common for scammers to manipulate innocent persons in the Nigerian community to act as money mules. An innocent Nigerian is a particularly vulnerable target because such persons would understand that a parallel transfer is a legitimate transaction. Indeed Department of Justice and Department of Homeland Security public service announcement materials acknowledge, as they must, that scammers routinely manipulate people to transfer money.<sup>7</sup>

### **Opinion No. 4. The Facts and Circumstances of this Case Are Consistent with Uchendu Acting as an Innocent Money Mule**

Numerous facts in this case have the indicia Ken used Uchendu to complete the fraudulent scheme and did not disclose to Uchendu that the funds were obtained unlawfully. I have reviewed communications between a “Ken” and Defendant Princess Eziyi. It is important that Ken and Princess were involved in various text or Whatsap communications that excluded Uchendu. Ken and Princess refer to Uchendu as “*stupid boy*” and “*ur boy.*” A Nigerian living in the United States

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<sup>7</sup> I have relied on the following Department of Justice and Homeland Security publications in forming my opinions. <https://www.fbi.gov/how-we-can-help-you/safety-resources/scams-and-safety/common-scams-and-crimes/money-mules>; <https://www.justice.gov/civil/consumer-protection-branch/money-mule-initiative> (“Others money mules, however, move money at someone else’s direction, not knowing that their activity benefits fraudsters”); <https://www.fbi.gov/how-we-can-help-you/safety-resources/scams-and-safety/common-scams-and-crimes/money-mules> (“Some money mules know they are supporting criminal enterprises; others are unaware they are helping criminals profit”); [https://www.cisa.gov/sites/default/files/publications/money\\_mules.pdf](https://www.cisa.gov/sites/default/files/publications/money_mules.pdf) (“...many money mules are not aware that they are being used to commit fraud”).

would understand those terms to be dismissive, and to cast Uchendu in a submissive or derogatory light, demonstrating that Ken and Princess had a separate relationship and understanding apart from Uchendu. Critically, I have not been provided any communications between Ken and Uchendu or between Princess and Uchendu in which there is an express discussion or acknowledgment of transferring illicit funds.

I have reviewed photographs of a Mercedes that Ken sent to Uchendu. An auto transaction to Nigeria is consistent with a legitimate transaction in the parallel market, and also consistent with Ken's use of auto transactions to facilitate money laundering.

Typically, those directly involved in fraud do not open accounts in their own names because it is easy for law enforcement to trace. A person involved in fraud obviously has numerous incentives to avoid using their own information and accounts in the fraud. As set forth above, Yahoo Boys and those involved in fraud in the Nigerian diaspora typically target innocent money mules and convince innocent parties to engage in transactions using their own, legitimate accounts. In this case, Uchendu did not use a false identity in opening the accounts that are at issue in this case. Uchendu used accounts in his own name. This is consistent with the actions of an unwitting money mule. The facts and circumstances are consistent with Ken using Uchendu to transfer money and are consistent with Uchendu acting as an unwitting money mule.

I reserve the right to revise and supplement this disclosure and my opinions upon receiving additional facts and data, upon reviewing the Government's final, exhibits and upon listening to the testimony at trial.

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DATED: September 25, 2023

/s/ Uzoma Eze

Uzoma Eze  
Houston, Texas

DATED: September 25, 2023

/s/ Sam Meziani

Sam Meziani  
Attorney for Clinton Uchendu